

The on juries and run for local

Countries, United States



The issue of voting in America originated back in the 60s during the Reconstruction period in the South.

There were tactics such as violence and intimidation used against blacks to prevent them from participating in elections. Jim Crow Laws were introduced, separating blacks from the white population. Democrats passed laws to make voter registration and electoral rules limited and this resulted in the political participation of blacks and also, poor whites decreased. In the late 1800s and early 1900s blacks voting was suppressed even more. The Confederate states passed amendments disenfranchising blacks and poor whites with poll taxes, literacy and comprehension tests, and residency requirements. With these new constitutions along with harassment, physical violence, and intimidation when they tried registering or voting, voter turnouts decreased tremendously.

The inability to vote also affected eligibility to serve on juries and run for local office. After World War II, the Civil Rights Movement came about in attempts to resist these laws set for the purpose to disenfranchise black Americans. There were plenty of boycott demonstrations and protests conducted by black Americans in hopes for changes to be made by politicians. By 1965, the Voting Rights Act was passed, signed into law by President Lyndon Johnson, as a response to the nearly century-long history of voting discrimination. This act channeled the Fifteenth Amendment that put in place to protect citizens from having their right to vote abridged or denied due to “race, color, or previous condition of servitude” (U. S. Constitution. Art.

/Amend. XV, Sec. 1.

). “ The Voting Rights Act of 1965 (amended and/or extended in 1975, 1982, and 2006) was specifically written to overcome the use of legal and extralegal practices to exclude minorities from the voting booth and minimize minority political voice and power” (Bowler, Shaun). This act also gave the federal government access to monitor states with historically low voter turnout.

Section 2 prohibits voter denial and vote dilution, i. e. gerrymandering and vote cracking. Section 4 identifies consistently discriminatory districts.

Section 5 covers jurisdiction needing preclearance before changing any election laws. The first issue I found here is that the courts consider Congress’s preclearance section of the Voting Rights Acts to be outdated. In the case of *Shelby County v. Holder*, the Court held that “ Section 4 of the Voting Rights Act imposes current burdens that are no longer responsive to the current conditions in the voting districts in question” (*Shelby County v. Holder*).

In his concurring opinion, “ Justice Clarence Thomas argued that Section 5 of the Voting Rights Act is unconstitutional in addition to Section 4. He wrote that the blatant discrimination against certain voters that Section 5 was intended to prohibit is no longer evident. Without such extraordinary circumstances, Congress cannot constitutionally justify placing the burden of Section 5 on the states in question (*Shelby County v. Holder*)

This leads me to my second issue that is voter discrimination and how it

covertly persists today. As of 2017, more than half the country implemented new voter registration laws making it more difficult for citizens to vote in America. These new laws include strict photo ID requirements, early voting cutbacks, registration restrictions, etc.; all forms of voter suppression that keeps citizens away from the polls on Election Day.

Going back to Justice Thomas' opinion, it seems that he may be wrong. These last few years of states passing laws in order to take advantage of election results should be considered an extraordinary circumstance. Blatantly proving why Congress needs to rewrite the "outdated" preclearance system in order to prevent the issue of voter discrimination.

Voting laws that require certain types of ID cards or laws that ban those with criminal backgrounds largely target POC and lower income people. Not to mention completely denying prisoners the right to vote and the extreme difficulties that comes with being homeless and trying to vote. There is also a sense of discouragement amongst lower income voters by having Election Day take place during a work day, tacked on with the fact that they aren't automatically registered to vote in this country so one would have to make time to register as well. Legally everyone is supposed to be allowed time away from their job to vote with no reduction in pay, but there are several stipulations within that right. Your employer might still force you to stay on the lines, especially in minority/lower income neighborhoods where polling stations have been cut by the hundreds, exceed the time you're allowed to take and receive payment for.

This gets even more complicated when you factor in things like lack of transportation, childcare, etc. For instance, in 2016 North Carolina fought to have a voter ID law passed that prohibited early voting days and banned same-day voter registration, eliminated straight-ticket voting, and introduced more restrictions on casting provisional ballots. It would prohibit pre-registration for 16- and 17-year-olds. After the Shelby County ruling, this made states like North Carolina free from preclearance. This allowed North Carolina's Republicans to write and pass the bill HB 589. Luckily, the 4th U. S.

Circuit Court of Appeals eventually blocked it. The court found that the bill had a disproportionate impact on minorities and was enacted with the discriminatory intent to disenfranchise them. This was in violation of both the Voting Rights Act and the 14th Amendment's Equal Protection Clause. The court wrote that the legislature had "targeted African Americans with almost surgical precision.

" Legislatures like to insist that bills such as HB 589 are designed to stop voter fraud, which in most cases have been proven to be non-existent in the United States. These types of laws and barriers disenfranchise hundreds of thousands of voters every election cycle and with parts of the Voting Rights Act being stripped away it's only gotten worse.